

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. 14,870

) & 14,950

Appeal of)

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for Crisis (Fuel) Assistance.⁽¹⁾ The issue is whether that program covers payments for overdue utility bills.

FINDINGS OF FACT

The facts are not in dispute. On March 5, 1997, the petitioner applied for crisis fuel assistance. At that time, she had a notice from her electric company that her bill was more than 30 days overdue (the petitioner uses electric heat). There was no indication on that notice that the petitioner was threatened with the imminent shutoff of her electricity.⁽²⁾

ORDER

The Department's decision is affirmed.

REASONS

The crisis fuel assistance regulations, at W.A.M. § 2956, include the following:

Benefits are limited to payment for a minimum delivery of fuel; reasonable delivery and heating unit start-up charges not to exceed \$15.00 for off-route deliveries during regular working hours or \$25.00 for deliveries after hours, without prior authorization of exception in exceptional situations; preauthorized emergency repairs to the heating unit; utility service required for operation of the heating unit to avert shut off; and payment of the current month's utility bill. Under no circumstances will a deposit be included under start-up, delivery, or services charges.

Inasmuch as the petitioner was not facing a shut off of her electricity at the time she applied, and had only a past due bill that was unpaid, she did not meet any of the above circumstances necessary for payment of benefits under the program.⁽³⁾ Therefore, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. This issue is the one presented by Fair Hearing No. 14, 950. The petitioner's appeal of a decision by the Department regarding the composition of her household for purposes of the Supplemental Fuel program, Fair Hearing No. 14,870, was settled by the parties at the hearing (held on April 24, 1997) that had been scheduled for both matters.
2. By the time of the hearing in this matter the petitioner had received, or was about to receive, such a notice. However, with her settlement from Fair Hearing No. 14,870 (see supra) it appeared that the petitioner had enough to pay the amount necessary to forestall a shutoff. If not, the petitioner was advised that she could reapply for crisis fuel or GA.
3. It is curious why, under the above regulation, payment can be made for the "current month's utility bill" but not a past due bill, the nonpayment of which would be more likely to result in a shutoff notice than nonpayment of the most recent bill. Perhaps, the regulation intended that this provision be read in conjunction with, not separately from, the preceding situation--"utility service for operation of the heating unit to avert shut off". If this was the Department's intent, it should correct the punctuation in the regulation so that this is clearly stated.